

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

GENESIS ELECTRIC,

Plaintiff,

vs.

UNITED STATES POSTAL SERVICE,

Defendant.

Civil No.: **2015/**_____

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT for the DISTRICT OF THE VIRGIN ISLANDS, ST. CROIX DIVISION

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1442(a), and 1446(a), and on behalf of the United States Postal Service, a federal defendant named in the above-captioned matter, Ronald W. Sharpe, United States Attorney for the District of the Virgin Islands and Angela P. Tyson-Floyd, Assistant United States Attorney, respectfully files this Notice of Removal and in support of such removal states as follows:

1. On or about March 20, 2015, a civil action was purportedly commenced against the United States Post Office, by service upon Angela I. Lake, Post Master at the Kingshill Post Office, located at Kingshill, St. Croix USVI. A copy of the summons and complaint is attached hereto as Government's Exhibit (Gov't Ex.) A.
2. The complaint alleges that Plaintiff, through its owner, Malcolm John, rendered service to the Kingshill Post Office by performing various electrical repairs at the Kingshill Post Office.

3. Plaintiff seeks compensation for the alleged services rendered to the Kingshill Post Office for a total of \$9,952.80, which includes 10% interest on an overdue balance of \$7,238.40.
4. This is an action against a federal agency, and requires the interpretation of federal law as it concerns procedures for the contracting of services to be performed on behalf of the United States. Federal law and the waiver of sovereign immunity require strict compliance with the procedures to commence suit against the United States. Removal is therefore, proper pursuant to 28 U.S.C. § 1442(a)(1).
5. A copy of this Notice of Removal is being served upon the plaintiff and a certified copy hereto will be filed with the Office for the Clerk of the Superior Court of the Virgin Islands, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, the United States respectfully requests that the above-captioned civil action be removed from the Superior Court of the Virgin Islands, Division of St. Croix, to this Court.

Respectfully submitted,

RONALD W. SHARPE
United States Attorney

Dated: April 13, 2015

By: /s/ Angela P. Tyson-Floyd
Angela P. Tyson-Floyd
Assistant U.S. Attorney
1108 King Street, Ste 201
Christiansted, V.I. 00820
340-773-3920

CERTIFICATE OF SERVICE

I hereby certify that on the **13th** day of **April**, 2015, I electronically filed the foregoing NOTICE OF REMOVAL with the Clerk of the District Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

None

/s/ Angela P. Tyson-Floyd
Angela P. Tyson-Floyd, AUSA

And I hereby certify that a copy of the foregoing document was via U.S. mail to the following non-filer user:

Genesis Electric
c/o Malcolm John
P.O. Box 978
Kingshill, V.I. 00851
340-277-6706 or 277-9507

/s/ Angela P. Tyson-Floyd
Angela P. Tyson-Floyd
Assistant U.S. Attorney